

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: April 21, 2015	NEED RESPONSE BY: ASAP
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: County of San Bernardino	
3. PHONE NO.:	7. SUBJECT: Noncitizen Parolees	
4. REGULATION CITE(S): MPP 63-405.1 and ACIN I-102-10	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). MPP 63-405.1, ACIN I-102-10, SNAP Guidance on Noncitizens	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The following household is applying for CalFresh: Two adults and one child. They are from Syria and have provided I-94 cards (without passports) with the following dates: Entry date of 1/18/15 until 18July15, the county is assuming the family has been paroled into the US from 1/18/15 to 7/18/15, a six month period. Per ACIN I-102-10, the adults are not federally eligible because their parole is not expected to last for one year or more. The code on the mother's and child's card is 212.5 (b)(5). The child's card contains the following verbiage - Not Valid for Entry into the U.S.A Under SND Docket Control in Removal Proceedings. The father's card contains the following verbiage: Completion of Immigration Proceedings and Paroled on bond. Are these individuals eligible to CalFresh benefits? If so, are the adults CFAP eligible and the child is federal?

10. REQUESTOR'S PROPOSED ANSWER:

The adults are ineligible to federal benefits but are CFAP eligible.
 The child is federally eligible.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Although SAVE is the vehicle for verification, based upon the above, the household does not appear to meet the the criteria for parolees. According to MPP 63-405.117 a parolee must be under 212(d)(5) of the INA for at least a year. See page two.

FOR CDSS USE

DATE RECEIVED: 04/21/2015	DATE RESPONDED TO COUNTY/ALJ: 04/24/2015sc
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CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST:	NEED RESPONSE BY:
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION:	
3. PHONE NO.:	7. SUBJECT:	
4. REGULATION CITE(S):	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

Parolees (MPP 63-405.117 & CFR 273.4) must meet two criteria to receive SNAP benefits as a qualified Noncitizen:

1. Be lawfully admitted into the U.S. as a parolee under 212(d)(5) of the INA for at least a year
2. Meet the five-year residency requirement under MPP 63-405.126.
 - a. MPP 63-405.126(a) states "The five-year period begins on the date the immigrant obtains status as a qualified non-citizen through the USCIS (INS)". In cases where the USCIS (INS) grants qualified status retroactively, the CWD shall use the date that USCIS grants qualified status.]
 - b. Or have 40 qualifying quarters of work (MPP 63-405.4) per MPP 63-405.121 and CFR 273.4(a)

For a parolee under Section 212(d)(5) of the INA for at least one year to bypass the second requirement, they must meet one of the following conditions:

- Qualified children under 18 years old [MPP 63-405.123 & CFR 273.4(a)]
- Noncitizens lawfully residing in the U.S. at age 65 or older on August 22, 1996 [MPP 63-405.125 & CFR 273.4(a)]
- Noncitizens who are receiving assistance for blindness or disability as specified in MPP section 63-102(e)(1)(B)(K). [MPP 63-405.124 & CFR 273.4(a)]
- Certain Native Americans [MPP 63-405.22 & CFR 273.4(a)]
- Certain Hmong and Highland Laotians [MPP 63-405.21 & CFR 273.4(a)]
- Refugees. (63-405.112) under Section 207 of the INA and
- Asylees (63-405.113) under Section 208 of the INA
- Noncitizens whose deportation is being withheld -- requires a Judge's order signed and dated with INA code 243(h) or 241(b)(3) according to MPP 63-405.114
- Amerasians (MPP 63-405.112 & CFR 273.4(a))
- Cuban or Haitian entrants as defined in 501(e) of the Refugee Education Assistance Act of 1980 63-405.115 & CFR 273.4(a)
- Victims of a severe form of trafficking with ORR Certification letter [CFR 273.4(a)]
- Veterans, members of the military on active duty, and their spouses and unmarried dependent children. [MPP 63-405.31 & CFR 273.4(a)]
- Lawful Permanent Residents who have worked 40 qualifying quarters of coverage. After 12/31/96, no quarter can be considered a "qualifying quarter" if the individual is receiving a "federal means-tested public benefit." (below for the definition) Quarters worked by parents when the alien (noncitizen) was a child, or by a spouse while married, may be counted by spouses and dependent children as satisfying the 40 quarter requirement. [MPP 63-405.4 & CFR 273.4(a)]

As required, the household members do not meet #1 or #2.